

UNITED STATES DISTRICT COURT

for the

Northern District of New York

UNITED STATES OF AMERICA)

v.)

Thomas Kopach)

Case No. 1:20-MJ- 382 (CFH)

Defendant)

CRIMINAL COMPLAINT

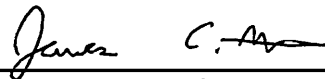
I, the complainant in this case, state that the following is true to the best of my knowledge and belief. On or about the date(s) of February 12, 2020 in the county of Saratoga in the Northern District of New York the defendant violated:

Code Section
18 USC § 2252A(a)(1)

Offense Description
Transportation of Child Pornography

This criminal complaint is based on these facts:
SEE ATTACHED AFFIDAVIT

☒ Continued on the attached sheet.



Complainant's signature

Special Agent James C. Hamilton, HSI

Printed name and title

Attested to by the affiant in accordance with Rule 4.1 of the Federal Rules of Criminal Procedure.

Date: July 20, 2020



Judge's signature

City and State: Albany, New York

Hon. Christian F. Hummel, U.S. Magistrate Judge

Printed name and title

Affidavit in Support of a Criminal Complaint

I, James C. Hamilton, being duly sworn, depose and state:

INTRODUCTION

1. I make this affidavit in support of a criminal complaint charging Thomas KOPACH (DOB XX/XX/1987) (“KOPACH”) with knowingly transporting using any means or facility of interstate or foreign commerce or in or affecting interstate or foreign commerce by any means, including my computer, child pornography.

2. I am a Special Agent with the US Immigration and Customs Enforcement Office of Homeland Security Investigations (“HSI”) and have been since June 2002. As such, I am an investigative or law enforcement officer of the United States within the meaning of Title 18 United States Code, Section 2510(7), that is, an officer of the United States who is empowered by law to conduct investigations of and to make arrests for offenses enumerated in Title 18, United States Code, Section 2516(1). I have been a law enforcement officer for 22 years. I was a police officer for approximately 5 years and have been a Special Agent for 17 years. My career as a Special Agent began in June 2002 with the U.S. Customs Service, which is now known as U.S. Immigration and Customs Enforcement Homeland Security Investigations (HSI). Prior to my employment as a Special Agent, I was a police officer in the state of Tennessee from September 1997 until June 2002.

3. As an HSI Special Agent, I am authorized to seek and execute federal arrest and search warrants for Title 18 criminal offenses, including offenses related to the sexual exploitation of minors, specifically those involving the transportation, possession, distribution, and receipt of child pornography, in violation of Title 18, United States Code, Sections 2252 and 2252A. I have a Bachelor of Science Criminal Justice degree and a Master of Public

Management degree. I have completed the Criminal Investigator Training Program and Customs Basic Enforcement School at the Federal Law Enforcement Training Center in Glynco, GA. During both basic training, and subsequent training, I received instruction on conducting online child pornography investigations. I have also been the affiant for and participated in the execution of numerous Federal search warrants in child pornography and child exploitation investigations.

4. The statements contained in this affidavit are based upon my investigation, information provided by other law enforcement officers, information gathered from the service of administrative subpoenas and responses to federal search warrants, and my experience and training as an HSI Agent.

5. Because this affidavit is being submitted for the limited purpose of supporting a criminal complaint, I have not included each and every fact known to me concerning this investigation. I have set forth only the facts that I believe are necessary to establish probable cause to believe that KOPACH has violated Title 18, United States Code, Section 2252A(a)(1)(transportation of child pornography).

BASIS FOR A PROBABLE CAUSE FINDING

6. On February 13, 2020, NCMEC received information from Google, which is detailed in CyberTipline Report 64447362. The reported Incident Type is described as Child Pornography “possession, manufacture, and distribution.” CyberTipline Report 64447362 reports that child pornography was discovered in the Google accounts associated with email addresses [REDACTED1]@gmail.com and [REDACTED2]@gmail.com. CyberTipline Report 64447362 states that Google became aware that the reported content, i.e. the child pornography

file, was stored in Google Gmail infrastructure on February 12, 2020 at 20:30:56 UTC, and it also states that the reported content was uploaded on February 12, 2020 at 20:30:47 UTC, 9 seconds prior to the discovery by Google. Google did not report specifically within which Google email account or Google product that the child pornography file was found, but did state it was within accounts associated with email addresses [REDACTED1]@gmail.com and [REDACTED2]@gmail.com.

7. In CyberTipline Report 6447362, Google reported that on or about February 12, 2020 at 20:30:56 UTC, it discovered and reported to NCMEC, one child pornography image file that was discovered to have been uploaded to Google servers, and is believed to be child pornography based on hash value. The file was not visually confirmed to be child pornography by Google employees prior to being reported to NCMEC. However, the CyberTipline report states that in respect to the portion of the CyberTipline report containing the heading “Was File Reviewed by Company?”, when Google responds “No,” as is the case with this CyberTipline report, it means that while the contents of the file were not reviewed concurrently to making the report, however historically, a person had reviewed a file whose hash (or digital fingerprint) matched the hash of the reported image and determined it contained apparent child pornography. In CyberTipline report 64447362, Google reports that the child pornography file was discovered on February 12, 2020 to have been uploaded to Google servers from the following user account:

Name:	[REDACTED]
Email Address:	[REDACTED1]@gmail.com (verified by Google)
Email Address:	[REDACTED2]@gmail.com
Mobile Phone:	1518832[XXXX](REDACTED) (Verified 12-26-2019 15:10:25 UTC)
IP Address:	2604:6000:1118:4c43:60d5:8b25:7a44:f0e (Upload) 02-12-2020 @ 20:30:47 UTC

8. The file that was uploaded to the Google account was described by Google as follows:

Filename: Google-CT-RPT-88505bca2ed3e7c9ce5d5d440a3d1bf2-0e1413a0-30d0-4f5a-8c08-41c96de50cea.jpg

MD5 Hash Value: 6a60d94f73c1231b964ace11fd9635c6

9. As a member of the ICAC Task Force, I know that when CyberTipline reports are relayed to the ICAC Task Force from NCMEC, state police personnel review the attached content to determine if it is child pornography within the definition of state and/or federal law prior to investigating the report. When CyberTipline report 64447362 was relayed to the New York ICAC Task Force, New York State Police Trooper Megan Ruscitto reviewed the incoming CyberTipline report, and she determined that the image consists of child pornography according to law. The CyberTipline report was assigned within the ICAC to New York State Police Investigator Brandon Hudson for further investigation. Investigator Hudson also determined that the image consists of child pornography according to law.

10. Once the ICAC background investigation was complete, the investigation of CyberTipline report 64447362 was ultimately assigned to New York State Police Investigator John Montesano with the Troop G Computer Crime Unit for field investigation and enforcement. Investigator Montesano has over five years' experience with the New York State Police Computer Crime Unit, including three years as an FBI task force officer, investigating computer and technology-based crimes against children, to include the possession, distribution, and receipt of child pornography. In discussing this investigation with me, Investigator Montesano stated that based on his training and experience, he believes that the image file reported by Google to NCMEC consists of child pornography.

11. The image, entitled Google-CT-RPT-88505bca2ed3e7c9ce5d5d440a3d1bf2-0e1413a0-30d0-4f5a-8c08-41c96de50cea.jpg, was described to me by Investigator Montesano as depicting an approximately six to ten-year-old female child naked from the waist down laying on a couch with her legs spread apart, displaying the child's genitals in a lewd and lascivious manner. The focal point of the picture is the child's exposed vagina and anus, both of which appear to be red and irritated. This file is available for the Court's inspection upon request.

12. On April 3, 2020, a DHS administrative summons was served to Charter Communications requesting subscriber information for IP address 2604:6000:1118:4c43:60d5:8b25:7a44:f0e used on February 12, 2020 at 20:30:47 UTC, the date, time, and IP address from which the child pornography image was uploaded to Google's servers. On April 7, 2020, Charter Communications responded that the subscriber of IP address 2604:6000:1118:4c43:60d5:8b25:7a44:f0e is KOPACH's mother, with a registered address located in Gansevoort, NY 12831 (SUBJECT PREMISES), with phone number (518) 306-XXXX (REDACTED). The address is located within the Northern District of New York.

13. On May 27, 2020, I conducted a check of an online internet database for KOPACH's mother. I found data stating that she resides at the listed Gansevoort, NY residence address with Thomas KOPACH (DOB XX/XX/1958) and Thomas KOPACH (DOB XX/XX/1987).

14. Investigator Montesano previously told me that Thomas KOPACH, DOB XX/XX/1987 is a level 1 registered sex offender who is currently on probation in Saratoga County, and the SUBJECT PREMISES address is his listed residence. On May 26, 2020, I confirmed this information with a check of the New York State Sex Offender Registry.

15. On May 27, 2020, I conducted a criminal history query of Thomas KOPACH, DOB XX/XX/1987, and found that the 2015 state police investigation was resolved with a “conviction upon plea of guilty” by KOPACH in Saratoga County Court on June 7, 2016 in which he pled guilty to, among other offenses, Possessing a Sexual Performance By a Child Under 16 in violation of New York Penal Law Section 263.16, a Class E felony. KOPACH was sentenced to two terms of probation- one for 5 years, the second for 10 years.

16. On May 26, 2020, I contacted Saratoga County Probation Officer (PO) Rebecca Hofmann regarding Thomas KOPACH. PO Hofmann stated that she currently supervises KOPACH for two felony terms of probation issued by the Saratoga County Court. During the May 26, 2020 contact with PO Hofmann, she stated her most recent contact with KOPACH was on May 11, 2020, when she called KOPACH on his cell phone, (518) 832-XXXX (REDACTED), and she left a voicemail. PO Hofmann stated that KOPACH returned her call later that day. This is the same cell phone number that Google provided in their CyberTipline to NCMEC, which was verified by Google on December 26, 2019 as being associated with the Google accounts using email addresses [REDACTED1]@gmail.com and [REDACTED2]@gmail.com. PO Hofmann also stated that KOPACH resides at the Gansevoort, NY residence address with his mother and father. Each time PO Hofmann has had telephone contact with KOPACH, it is through the same phone number, (518) 832-[REDACTED], that is listed in CyberTipline report 64447362.

17. On May 26, 2020, I served a DHS administrative summons to AT&T Wireless seeking subscriber information regarding the user of cell phone number (518) 832-[REDACTED]. On May 29, 2020, I received a response from AT&T stating that the financial liability party and billing party for the phone line is KOPACH’s mother and the user information for the phone line is Thomas Ryan KOPACH at the Gansevoort, NY address.

18. On June 11, 2020, HSI Intelligence Research Specialist (IRS) Sean Thalheimer conducted a query of the New York State Department of Motor Vehicles database for driver license and vehicle registration information for Thomas KOPACH, DOB XX/XX/1987. IRS Thalheimer located a record that KOPACH has a “non-driver ID only” which lists his address at the SUBJECT PREMISES. IRS Thalheimer did not find any vehicle registration information for KOPACH.

19. On July 10, 2020, New York State Police Investigator Marcia Pooler checked for open Wi-Fi internet access while in the street directly in front of the SUBJECT PREMISES. Investigator Pooler found six Wi-Fi accounts in the area, all of which were secure.

GOOGLE SEARCH WARRANT AND RESPONSE

20. On June 1, 2020, United States Magistrate Judge Christian Hummel issued the search warrant for the accounts [REDACTED1]@gmail.com and [REDACTED2]@gmail.com. Your affiant received a response from Google on June 25, 2020, with the contents of both email accounts.

21. I have reviewed the contents of the Google search warrant response. Within the response is an email, sent from [REDACTED1]@gmail.com to an unknown account [REDACTED3]@gmail.com on February 12, 2020 at 3:30:48 PM (no time zone is listed). The subject line of the email states “X-rated.” The attachment to the email is titled 0e1413a0-30d0-4f5a-8c08-41c96de50cea.jpg. The attachment is an image file that depicts an approximately six to ten-year-old female child naked from the waist down laying on a couch with her legs spread apart, displaying the child’s genitals in a lewd and lascivious manner. The focal point of the picture is the child’s exposed vagina and anus, both of which appear to be red and irritated. Additionally within the Google search warrant response is a folder titled

CyberTip64447362.[REDACTED1]@gmail.com. Within the folder is the same image file that was listed in the NCMEC CyberTip report: Google-CT-RPT-88505bca2ed3e7c9ce5d5d440a3d1bf2-0e1413a0-30d0-4f5a-8c08-41c96de50cea.jpg. Upon visual inspection, the image file is the same image file that was attached to the February 12, 2020 email with the subject line “X-rated.”

22. Within the Google search warrant response are 24 folders that are numbered within the folder filenames, that include subfolders containing images from the accounts and other data. Several images of naked girls posing in lascivious positions were located within the folders. Three examples of child pornography images by means of lascivious exhibition contained within the search warrant response are described as follows:

a. Within folder 13, is a subfolder titled 2018-01-07. Within the folder is an image file titled “Young_Girls_Hot_Selfies_198_105096765_teen_open_544_1000.jpg. The image file depicts a teenage girl, approximately 12-14 years old, sitting naked on a tile floor. The girl’s knees are bent, her elbows resting on her knees. The girl’s naked vagina is the focal point of the image, exposed to the camera in a lascivious manner.

b. Within folder 12 is an image file titled Free_porn_pics_of_Teen_Selfies125.jpg. The image depicts a naked girl, approximately 12 years old, standing in a bedroom while holding a phone as if she’s taking a picture. The image depicts lascivious exhibition as she is standing with one hand on her hip, and the focus of the camera is on her body with her breasts and vaginal area exposed for the picture.

c. Within folder 12 is an image file titled Free_porn_pics_of_Teen_Selfies126.jpg. The image depicts a naked girl, approximately 12

years standing with her legs apart, her right hand on her thigh. She is holding a digital camera as if she is taking a photograph.

23. Within the 24 folders provided in the Google search warrant response are examples of user attribution, that is, examples that identify the owner or user of the accounts [REDACTED1]@gmail.com and [REDACTED2]@gmail.com. Examples of user attribution within the search warrant response are described as follows:

a. An image file titled IMG_0342(1) was located in folder 2019-09-01. The image depicts two male subjects wearing New York Yankees baseball team clothing. One of the subjects is recognized to be Thomas KOPACH when compared with the sex offender registry photo of Thomas KOPACH.

b. An image file titled 20190524_170030 was located in folder 2019-05-24. The image depicts a New York State Department of Motor Vehicles Identification Card bearing the photograph and identifying information of Thomas KOPACH, DOB XX/XX/1987, with an address of 30 Kings Mills Road, Gansevoort, NY- the SUBJECT PREMISES.

c. An image file titled IMG_0257.jpg was located in folder 2017-08-24. The image depicts a letter from the New York State Sex Offender Registry addressed to Thomas KOPACH at the SUBJECT PREMISES. The letter contains a header line that states “Sex Offender Registry Annual Address Verification Form.” Within the same folder is an image titled IMG_0256.jpg. The image depicts the second page of the “Sex Offender Registry Annual Address Verification Form” which contains an illegible signature, printed name of “Thomas R KOPACH” over the line titled “Sex Offender’s Name (print),” and the date of 3/29/2017.

24. On July 20, 2020, law enforcement agents executed a federal search warrant at the SUBJECT PREMISES. During the execution of the search warrant, KOPACH’s father

confirmed KOPACH's phone number, which matched the phone number from the Google Cybertip, and stated that neither he nor his wife access KOPACH's bedroom and a room in the basement area where computers and electronic storage media was located. Agents also recovered the following electronic devices during the search:

a. an HP Envy laptop computer SN 5CG4410VL2, made in China, recovered from KOPACH's bedroom, and covered by laundry. Agents conducted a forensic preview of the laptop and observed two thumbnail files depicting frames of "Vicky" series movies. In my training and experience, I know "Vicky" movies to be a common name for child pornography images and videos depicting a child pornography series titled "Vicky."

b. a Seagate Backup Plus SRD00F1 External Hard Drive 5TB, made in China, recovered from the a basement office/room. During a preview of this hard drive, Agents observed a RAR compressed file containing two videos that appear to contain child pornography. In both videos, prepubescent females that appear to be between the ages of 10-12, are engaged in oral sex with an adult male. Also found was a RAR compressed file, which was encrypted so that the contents could not be viewed, however the names of the files indicate they are "Vicky" series child pornography video files.

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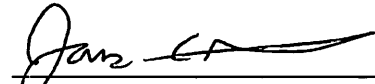
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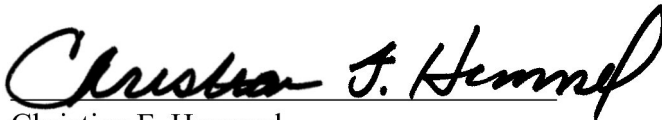
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CONCLUSION

25. Based upon the above information, I respectfully submit that there is probable cause to believe that on or about February 12, 2020, KOPACH knowingly transported child pornography in violation of Title 18 United States Code, Section 2252A(a)(1)(transportation of child pornography).


James C. Hamilton, Special Agent
Homeland Security Investigations

I, the Honorable Christian F. Hummel, United States Magistrate Judge, hereby acknowledge that this affidavit was attested to by the affiant by telephone on July 20th, 2020 in accordance with Rule 41 of the Federal Rules of Criminal Procedure.


Christian F. Hummel
U.S. Magistrate Judge